

Applicant: D. Norbeck, et al.

Serial No.: 08/687,774

Filed: June 26, 1996

For: METHOD FOR IMPROVING
PHARMACOKINETICS

Case No.: 5778.US.01

Date: August 21, 1997

Group Art Unit: 1203

Examiner: C. Aulakh

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

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Date of Deposit: August 21, 1997

Kellene R. Strandberg 8/21/97

Kellene R. Strandberg DATE

RESPONSE

SEP 15

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a response to the Office Action dated April 23, 1997, the period for response to which has been extended one month from July 23, 1997 to August 23, 1997. In the Office Action, the Examiner has rejected Claims 1-44 under 35 U.S.C. 103. In this response, Applicants request reconsideration of the rejection.

In addition, Applicants submit herewith a Supplemental Information Disclosure Statement.

Lastly, Applicants request that the Examiner acknowledge having reviewed and made of record the references cited in the Information Disclosure Statement and Form PTO1449 submitted with this application on June 26, 1996. A replacement copy of that Form PTO 1449 is submitted herewith. The Examiner is respectfully requested to initial by each reference and return the form to Applicants.

SECTION 103 REJECTION

The Examiner has rejected Claims 1-44 under 35 U.S.C. 103 as being unpatentable over Kempf, et al. (U.S. 5,552,558).

Applicants respectfully remind the Examiner that the claims in the present application are directed to the use of ritonavir to improve the pharmacokinetics of compounds which are metabolized by cytochrome P450 monooxygenase. The cited Kempf reference neither discloses nor suggests (1) that ritonavir inhibits cytochrome P450 monooxygenase or (2) that ritonavir improves the pharmacokinetics of compounds which are metabolized by cytochrome P450

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monooxygenase. Therefore, Applicants assert that the cited Kempf reference does not make unpatentable the presently claimed invention.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the Section 103 rejection.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The following information is submitted pursuant to 37 C.F.R. 1.97 and 1.98 in accordance with Applicants' duty of disclosure under 37 C.F.R. 1.56. This submission is not an admission that the documents cited herein are prior art as to the invention claimed. Because this Information Disclosure Statement is submitted after the first Office Action on the merits, but before the issuance of a final action or a notice of allowance, Applicants hereby expressly authorize the Commissioner to charge the appropriate fee of \$230.00 (or other amount as required under 37 C.F.R. 1.17(p)) to Deposit Account No. 01-0025. Duplicate copies of this sheet are enclosed.

The following reference was cited in the PCT Written Opinion for the corresponding PCT patent application:

1. Tien, et al., U.S. Patent No. 5,567,823, Issued October 22, 1996.

This references does not disclose or suggest the invention claimed in the present application.

A copy of this reference is enclosed. Applicants respectfully request that this reference be made of record.

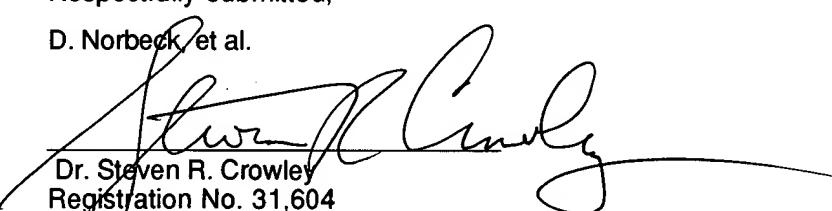
ACTION REQUESTED

In view of all of the above, reconsideration and allowance of Claims 1-44 is respectfully requested.

Also requested are consideration and entry on the record of the newly cited reference and acknowledgement of consideration and entry on the record of the references cited in the Information Disclosure Statement dated June 26, 1996 and listed on the Form PTO1449 dated June 26, 1996 in this application.

Respectfully submitted,

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